UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,187	11/17/2003	Andrea Finke-Anlauff	042933/269434	3366

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EXAMINER
SHRESTHA, KIRAN K

ART UNIT	PAPER NUMBER
2109	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/01/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

Office Action Summary	Application No.	Applicant(s)
	10/715,187	FINKE-ANLAUFF ET AL.
	Examiner	Art Unit
	Kiran K. Shrestha	2109

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>*17 November 2003*</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-40* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-40* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *13 April 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-SB/08)
    Paper No(s)/Mail Date <u>*See Continuation Sheet*</u>.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :04/'04, 08/'04, 08/'05 and 09/'06.

DETAILED ACTION

1. This action is in response to the original filing of November 17, 2003.   Claims 1, 20,

    22, 26, 32 and 37 are independent claims. Claims 1-40 are pending and have been

    considered below.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 04/09/2004, 08/16/2004,

    08/18/2005 and 09/29/2006 was filed after the mailing date of the application on

    11/17/2003. The submission is in compliance with the provisions of 37 CFR 1.97.

    Accordingly, the information disclosure statement is being considered by the

    examiner.

Specification

3. The disclosure is objected to because of the following informalities: the examiner

   notes the use of acronyms (e.g. DVD, ROM, EEPROM, Java, etc.) throughout the

   specification without first including a description in plain text, as required.

   Appropriate correction is required.

4. Specification is objected to because related co-pending application, given in

   the specification needs to be updated by including the U.S. Patent Application

   Serial numbers (10/715,162, 10/792175, and 10/715095).

Double Patenting

5. The nonstatutory double patenting rejection is based on a judicially created
   doctrine grounded in public policy (a policy reflected in the statute) so as to
   prevent the unjustified or improper timewise extension of the "right to exclude"
   granted by a patent and to prevent possible harassment by multiple
   assignees. A nonstatutory obviousness-type double patenting rejection is
   appropriate where the conflicting claims are not identical, but at least one
   examined application claim is not patentably distinct from the reference
   claim(s) because the examined application claim is either anticipated by, or
   would have been obvious over, the reference claim(s). See, e.g., In re Berg,
   140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); In re Goodman, 11 F.3d
   1046, 29 USPQ2d 2010 (Fed. Cir. 1993); In re Longi, 759 F.2d 887, 225
   USPQ 645 (Fed. Cir. 1985); In re Van Ornum, 686 F.2d 937, 214 USPQ 761
   (CCPA 1982); In re Vogel, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and
   In re Thorington, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims of instant application (10/715187) 1, 4, 37 and 39 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 1, 11 and 13 of copending Application No. 10/715,162. Although the conflicting claims are not identical, they are not patentably distinct from each other for the reason set forth hereinbelow.

Claims of instant application 10/715187 are essentially the same as claims of copending application 10/715,162 except that the instant application recites "views of calendar and media views" but the co-pending application recites "views of media view and the time bar."

It would have been obvious to a person of ordinary skill in art at the time of the invention was made to provide the display of the calendar and media views.

Claims of instant application (10/792175) 1, 21, 24, and 35 are provisionally

rejected under the judicially created doctrine of obviousness-type double patenting over

claims 1, 5, 7, 11, and 13 of copending Application No. 10/715,162. Although the

conflicting claims are not identical, they are not patentably distinct from each other for

the reason set forth hereinbelow.

Claims of instant application 10/792,175 are essentially the same as claims of

copending application 10/715,162 except that the instant application recites "timeline

view that is presented in combination with media view and provides access to media

files." The copending application has "time bar that divides time segments having a

size."

It would have been obvious to a person of ordinary skill in art at the time of the invention

was made to display timeline view that combine with media view and media file.

Claims of instant application (10/715095) 1, and 22 are provisionally rejected

under the judicially created doctrine of obviousness-type double patenting over claims

1, and 11 of copending Application No. 10/715,162. Although the conflicting claims are

not identical, they are not patentably distinct from each other for the reason set forth

hereinbelow.

Claims of instant application 10/715095 are essentially the same as claims of copending

application 10/715,162 except that the instant application recites "browse of media view

and a media handle" but the co-pending application recites "views of media view and

the time bar."

It would have been obvious to a person of ordinary skill in art at the time of the invention

was made to browse of media view and media handle with ability to view over several

period of time.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 1 is rejected under 35 U.S.C. 112, first paragraph, because the specification,

while being enabling for an application for providing access to media file does not

reasonably provide enablement for a computer readable medium providing access.

The application in this claim consists of a single structural limitation: "computer

readable storage medium", and thus is interpreted as a single means/single step

claim under MPEP 2164.08(a).

"A single means claim, i.e., where a means recitation does not appear in combination

with another recited element of means, is subject to an undue breadth rejection under

35 U.S.C. 112, first paragraph. In re Hyatt, 708 F.2d 712, 714-715, 218 USPQ 195, 197

(Fed. Cir. 1983) (A single means claim which covered every conceivable means for

achieving the stated purpose was held nonenabling for the scope of the claim because

the specification disclosed at most only those means known to the inventor.). When

claims depend on a recited property, a fact situation comparable to Hyatt is possible,

where the claim covers every conceivable structure (means) for achieving the stated

property (result) while the specification discloses at most only those known to the

inventor."

Claim Objections

8.   Claim 10 is objected to because of the following informalities: it claims itself as a

dependent claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form

the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-40 are rejected under 35 U.S.C. 102(b) as being anticipated by Rothmuller et

al. (WO 02/057959 A2) issued January 16, 2002.

Claim 1: Rothmuller discloses an application for providing access to media files on a

digital device, the application comprising a computer readable storage medium having

computer-readable program instructions embodied in the medium, the computer

readable program instructions comprising:

first instructions for generating a calendar view that represents time in calendar format

and associates events with respective periods of time (page 3, lines 11-15); and

second instructions for generating a media view that provides access to digital media

files and associates digital media files with a period of time (page 7, lines 16-19).

Claim 2: **Rothmuller** discloses the application of claim 1, wherein the second

instructions for generating the media view associate digital media files with event

information (page 2, lines 13-19).

Claim 3: **Rothmuller** discloses the application of claim 1, wherein the first and second

instructions operate concurrently to generate a timeline view that combines the calendar

view and the media view (page 6, lines 9-23).

Claim 4: **Rothmuller** discloses the application of claim 3, wherein the first and second

instructions operate concurrently to generate, in the timeline view, a timeline associated

the media view (page 6, lines 9-15).

Claim 5: **Rothmuller** discloses the application of claim 3, wherein the first and second

instructions operate concurrently to generate, in the timeline view, a timeline associated

with the calendar view and the media view (page 6, lines 9-23).

Claim 6: **Rothmuller** discloses the application of claim 1, wherein the first and second

instructions operate concurrently to correlate metadata information of the media file and

calendar events (page 6, lines 9-23).

Claim 7: Rothmuller discloses the application of claim 6, wherein the first and second

instructions operate concurrently to combine metadata information of the media file and

a relevant calendar event (page 6, lines 9-23).

Claim 8: Rothmuller discloses the application of claim 7, wherein the first and second

instructions operate concurrently to store the combined metadata information into the

metadata information of the media file (page 1, lines 25-30).

Claim 9: Rothmuller discloses the application of claim 8, wherein the first and second

instructions operate concurrently to display, in the media view, an item of information in

the metadata as a title for a group of media files having the same metadata as used in

the title (page 1, lines 25-30).

Claim 10: Rothmuller discloses the application of claim 10, further comprising third

instructions for searching the calendar view and the media view in terms of time period

(page 1, lines 25-30).

Claim 11: Rothmuller discloses the application of claim 10, further comprising third

instructions for searching the calendar view and the media view in terms of any

combination of metadata information (page 1, lines 25-30).

Claim 12: **Rothmuller** discloses the application of claim 1, wherein the first instructions also generate an indicator for the current time (Fig. 2, shows time at the upper right hand side).

Claim 13: **Rothmuller** discloses the application of claim 1, wherein the first instructions also generate a delineation between past time and future time (page 5, lines 18-25).

Claim 14: **Rothmuller** discloses the application of claim 1, wherein the second instructions associate digital media files with a period of time based upon information associated with the digital media file (page 7, lines 27-31).

Claim 15: **Rothmuller** discloses the application of claim 1, wherein the second instructions provide a user a presentation mode to access the digital media files (page 7, lines 27-31).

Claim 16: **Rothmuller** discloses the application of claim 1, wherein the second instructions generate a media view that associates digital media files with a past period of time (page 4, lines 16-23).

Claim 17: **Rothmuller** discloses the application of claim 1, wherein the first instructions generate a calendar view that associates events with respective future periods of time (page 3, lines 11-15).

Claim 18: **Rothmuller** discloses the application of claim 1, wherein the second

instructions for generating a media view that provides access to the media files within a

period in time further generates instruction that adjusts a size of a period of time view

according to the amount of the media files in the period of time (page 7, lines 16-25).

Claim 19: **Rothmuller** discloses the application of claim 18, wherein the second

instructions adjust the size of the period of time view so that all the media files within a

period of time are visible (Fig. 1; page 8, lines 4-8).

Claim 20: **Rothmuller** discloses a method for digital media management in a digital

device, the method comprising the steps of:

receiving, in a media diary application, a digital media file having metadata associated

with the digital media file (page 11, lines 21-31); and

providing a user access to the digital media file via a media view that displays a

representation of the digital media file in connection with a time element of the metadata

(page 2, lines 20-25).

Claim 21: **Rothmuller** discloses the method of claim 20, further comprising the step of

correlating the metadata in the digital media file with calendar event information prior to

providing a user access to the media file via a media view (page 6, lines 9-23).

Claim 22: **Rothmuller** discloses a method for digital media management in a digital

device, the method comprising the steps of:

receiving a digital media file having metadata associated with the digital media file

(page 11, lines 21-31);

transmitting the file, automatically, to a media diary application that associates the

digital media file with a period in time based on the metadata (page 1, lines 25-30 and

page 2, lines 1-11);

providing a user access to the digital media file via a media view that displays a

representation of the digital media item in connection with the period of time (Fig. 1).

Claim 23: **Rothmuller** discloses the method of claim 22, further comprising the step of

providing the user access to the digital media file via a timeline view that combines a

timeline with the media view and a calendar view of calendared events (page 8, lines

14-26).

Claim 24: **Rothmuller** discloses the method of claim 23, wherein the step of providing

the user access to the digital media file via a timeline view that combines a timeline with

the media view and a calendar view of calendared events further comprises providing

the user access to the digital media file via a timeline view that combines a timeline with

the media view of media files associated with past periods of time and a calendar view

of calendared events associated with future periods of time (page 7, lines 27-31 and

page 8, lines 1-26).

Claim 25: **Rothmuller** discloses the method of claim 23, wherein the step of providing

the user access to the digital media file via a timeline view that combines a timeline with

the media view and a calendar view of calendared events further comprises providing

the user access to the digital media file via a timeline view that combines a scrollable

timeline with the media view and a calendar view of calendared events (Fig. 1; page 4,

lines 16-30). .

Claim 26: **Rothmuller** discloses a method for digital media management in a digital

device, the method comprising the steps of:

storing information related to a calendar event in an event file (page 2, lines 13-19);

receiving a digital media file associated with the calendar event (page 5, lines 18-23);

correlating the digital media file with the information in the event file (page 2, lines 13-

19); and

creating an accessible representation of the digital media file and at least a portion of

the correlated information in the event file (page 2, lines 20-25).

Claim 27: **Rothmuller** discloses the method of claim 26, wherein the step of storing

information related to a calendar event in an event file further comprises

storing information related to a calendar event in an event file associated with a

calendar planner of a media diary (page 2, lines 13-19).

Claim 28: Rothmuller discloses the method of claim 26, wherein the step of creating

an accessible representation of the digital media file and at least a portion of the

correlated information in the event file further comprises

creating, in a media view of the media diary, an accessible representation of the digital

media file and at least a portion of the correlated information in the event file (page 4,

lines 27-30 and page 5, lines 1-4).

Claim 29: Rothmuller discloses the method of claim 26, wherein the step of storing

information related to a calendar event in an event file further comprises

storing date and event title information related to a calendar event in an event file (page

5, lines 10-19).

Claim 30: Rothmuller discloses the method of claim 26, wherein the step of correlating

the digital media file with the information in the event file further comprises

correlating metadata in the digital media file with date information in the event file (page

5, lines 10-19).

Claim 31: Rothmuller discloses the method of claim 26, wherein the step of correlating

the digital media file with the information in the event file further comprises

correlating metadata in the digital media file with metadata information in the event file

(page 5, lines 10-21).

Claim 32: Rothmuller discloses a method for defining media file representation in a

media view of a media diary application, the method comprising the steps of:

receiving a media file having associated metadata information (page 5, lines 18-23);

correlating the metadata information with calendar event information (page 2, lines 13-

19);

determining a manner in which the media file will be represented in a media view of the

media diary (page 11, lines 28-31);

presenting the media file as a media file representation in the media view in accordance

with the correlation procedure and the determination of the manner of representation

(page 11, lines 21-31).

Claim 33: Rothmuller discloses the method of claim 32, wherein the step of

determining the manner in which the media file will be represented in a media view of

the media diary further comprises determining the size of a thumbnail representing the

media file (page 8, lines 4-8).

Claim 34: Rothmuller discloses the method of claim 32, wherein the step of

determining the manner in which the media file will be represented in a media view of

the media diary further comprises determining the size of the date column that the

representation will reside in (Fig. 1).

Claim 35: Rothmuller discloses the method of claim 32, wherein the step of

determining the manner in which the media file will be represented in a media view of

the media diary further comprises determining the size of the media view in proportion

to the overall viewing area (Fig. 1).

Claim 36: Rothmuller discloses the method of claim 32, wherein the step of

determining the manner in which the media file will be represented in a media view of

the media diary further comprises determining a quantity of the media files represented

in a date column (page 8, lines 28-31 and page 9, lines 1-14).

Claim 37: Rothmuller discloses a digital device, the device comprising: a processing

unit that executes computer-readable program instructions for accessing media files,

the computer-readable program instructions comprising:

first instructions for generating a calendar view that represents time in calendar format

and associates events with respective periods of time (page 3, lines 11-15), and

second instructions for generating a media view that provides access to digital media

files and associates digital media files with a period of time (page 7, lines 16-19);

a display in communication with the processing unit that presents, independently, the

calendar view and the media view (page 9, lines 15-20).

Claim 38: **Rothmuller** discloses the digital device of claim 37, wherein the first and second instructions operate concurrently to generate a timeline view that combines the calendar view and the media view (Fig. 4; page 9, lines 15-20).

Claim 39: **Rothmuller** discloses the digital device of claim 37, wherein the display presents the timeline view with a timeline associated with the calendar view and the media view (page 9, lines 15-20).

Claim 40: **Rothmuller** discloses the digital device of claim 37, wherein the processing unit that executes computer-readable program instructions for accessing media files, the computer-readable program instructions comprising further comprises a third instructions for searching the calendar view and the media view in terms of time period (page 9, lines 27-32).

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Exr. Kiran K. Shrestha whose telephone number is (571)

270-1691. The examiner can normally be reached Monday through Thursday from 7:30

a.m. to 5 p.m.

   If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, James W. Myhre, can be reached on (571) 270-1065. The fax phone

number for Formal or Official faxes to Technology Center 2100 is (571) 273-3800. Draft

or Informal faxes, which will not be entered in the application, may be submitted directly

to the examiner at (571) 273-6722.

   Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the Group Receptionist whose telephone number is

(571) 272-3600.

KKS

February 13, 2007
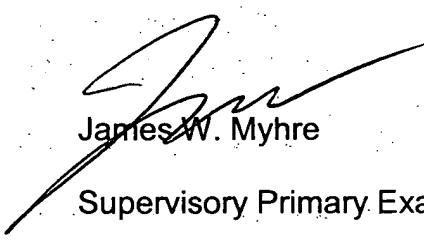
James W. Myhre

Supervisory Primary Examiner